

## **REMARKS:**

Claims 1-35 are currently pending in the subject Application.

Claims 1-35 stand rejected under 35 U.S.C. § 102(b) over U.S. Patent No. 6,014,644 to Erickson (hereinafter “*Erickson*”).

Applicant respectfully submits that all of the Applicant’s arguments and amendments are without *prejudice* or *disclaimer*. In addition, Applicant has merely discussed example distinctions from the cited prior art. Other distinctions may exist, and as such, Applicant reserves the right to discuss these additional distinctions in a future Response or on Appeal, if appropriate. Applicant further respectfully submits that by not responding to additional statements made by the Examiner, Applicant does not acquiesce to the Examiner’s additional statements. The example distinctions discussed by Applicant are considered sufficient to overcome the Examiner’s rejections. In addition, Applicant reserves the right to pursue broader claims in this Application or through a continuation patent application. No new matter has been added.

### **I. Principles of Law**

Anticipation is a question of fact. *In re Schreiber*, 128 F.3d 1473, 1477 (Fed. Cir. 1997). “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros., Inc. v. Union Oil Co.*, 814 F.2d 628,631 (Fed. Cir. 1987). There must be no difference between the claimed invention and the reference disclosure, as viewed by a person of ordinary skill in the field of the invention. *Scripps Clinic & Research Found. v. Genentech Inc.*, 927 F.2d 1565, 1576 (Fed. Cir. 1991).

### **II. Rejection Under 35 U.S.C. § 102(b)**

Claims 1-35 stand rejected under 35 U.S.C. § 102(b) over *Erickson*.

Applicant respectfully submits that *Erickson* fails to disclose each and every limitation recited by Claims 1-35. Applicant further submits that Claims 1-35 patentably distinguish over

*Erickson*. Thus, Applicant respectfully traverses the Examiner's rejection of Claims 1-35 under 35 U.S.C. § 102(b) over *Erickson*.

In rejecting Claims 1-35 as anticipated by *Erickson*, the Examiner states the following:

Erickson shows, figure 2, a centrally coordinated communication systems with multiple broadcast data objects and response tracking. The system has databases 24, 34, and 36 (one or more document repositories). Database 24 (global content directory) includes classes (30) with a class and product hierarchy. Buyers, sellers, class, and product all interrelated and cross-referenced. Databases use field identifiers or "pointers". Server 50, "*Database access/update processing*" acts as a *search interface* (see "*info request*" 56), a *security interface* (*access decrypt*, also note that portions of transactional documents are released at times denoting access levels) and an *intelligence module* (*update*, *reissue*). Note column 8, line 18 where a *predefined (standard) set of information is used*. Note column 7, line 63 where a *selected (unique) set of information is used*. From the bottom of column 2 and top of column 3, "the system and method of the present invention utilize a service provider that maintains a database of information about various buyers, suppliers, products, and services. All these may be grouped by classifications and/or products or product lines." By maintaining databases the reference shows that this information saved in the database is used (reissued) for a current (first) transaction and future (second) transaction.

(4 August 2008, Final Office Action, Pages 2-3). Applicant respectfully disagrees with all of the above. For example, *Erickson* fails to disclose at least the following limitations of independent Claim 1, as amended:

one or more *document repositories* that *stores a plurality of user documents used during a first electronic commerce transaction*;

a global content directory including a plurality of classes organized in a hierarchy, each class *categorizing the user documents* and associated with one or more attributes of the *user documents categorized in the class*, at least one of the classes having one or more associated pointers that identify *one or more document repositories*;

a search interface associated with the global content directory, the search interface that communicates a search query to one or more document repositories identified by one of the pointers *to search the documents stored in the document repositories*;

a *security module that decrypts the user documents to allow a user to access the user documents*; and

an *intelligence module that updates one or more sections in the user documents with current information associated with a second electronic commerce transaction*.

More specifically, for example, *Erickson* fails to disclose “*a security module that decrypts the user documents to allow a user to access the user documents*” as recited by independent Claim 1, as amended. The Examiner appears to assert that “Server 50, ‘Database access/update processing’ acts as...a security interface.” However, this assertion is incorrect, that is Server 50, Database access/update processing *does not act* as a security interface. For example, nowhere in *Erickson* is this server referred to as a security interface nor is there any mention of decryption of a user document. In fact, Applicant finds no such teaching anywhere in *Erickson* and certainly not in the cited portions of *Erickson*, cited by the Examiner. Furthermore, Applicant is unable to find the terms “*security*” or “*decrypt*” anywhere in *Erickson*, and respectfully request the Examiner to point to the portions of *Erickson* that the Examiner is relying on.

The Examiner further appears to assert that “portions of *transactional documents* are released at times denoting access levels.” Applicant respectfully disagrees with this assertion and submits that nowhere in *Erickson* are “*transactional documents*” disclosed nor is there any disclosure of a document being “released at times denoting access levels.” Applicant respectfully requests clarification as to precisely where *Erickson* describes the release of portions of a document at various times denoting access levels. Furthermore, Applicant respectfully submits that releasing portions of a document at different times does not equate to the existence of access levels nor to a security interface or module. Thus, *Erickson* fails to disclose, teach, or suggest at least the limitation of independent Claim 1 of “*a security module that decrypts the user documents to allow a user to access the user documents.*”

In addition, Applicant further respectfully submits that the Examiner fails to point to any support in *Erickson* for the Examiner’s assertion that *Erickson* discloses the limitations of “one or more *document repositories* that *stores a plurality of user documents used during a first electronic commerce transaction*” and “an intelligence module that *updates one or more sections in the user documents* with current information associated with a *second electronic commerce transaction.*” The Examiner relies on the bottom of column 2 and top of column 3 of *Erickson*, which merely states “the system and method of the present invention utilize a service provider that *maintains a database of information about various buyers, suppliers, products, and services.* All these may be grouped by classifications and/or products or product lines,” to draw the conclusory conclusion that

“[b]y maintaining databases the reference shows that this information saved in the database is used (reissued) for a current (first) transaction and future (second) transaction.”

Applicant respectfully submits that nowhere in the above-referenced portion of *Erickson*, nor anywhere else in *Erickson*, does Ericsson teach, suggest, or even hint that any “information saved in the database is used (reissued) for a current (first) transaction and future (second) transaction.” The mere storage of information in a database does not necessarily imply that it is used for any purpose or transaction in the future. Therefore, Applicant respectfully submits that *Erickson* also fails to disclose at least the limitations of Applicant’s independent Claim 1 of “one or more *document repositories* that *stores a plurality of user documents used during a first electronic commerce transaction*” and “an intelligence module that *updates one or more sections in the user documents* with current information associated with a *second electronic commerce transaction*.”

While further distinctions exist, the reasons discussed above are more than sufficient to point out the failure of *Erickson* to disclose each and every limitation of Applicant’s claims. Thus, Applicant respectfully submits that Claims 1-35 of the Subject Application are patentably distinguishable over *Erickson* and respectfully requests that the rejection of these claims under 35 U.S.C. § 102(b) be withdrawn.

### **III. Office Action Fails to Properly Establish a *Prima Facie* case of Anticipation over *Erickson***

Applicant respectfully submits that the allegation in the present Office Action that *Erickson* discloses all of the claimed features is respectfully traversed. Further, it is noted that the Office Action provides no concise explanation as to how *Erickson* is considered to anticipate all of the limitations in Claims 1-35. *A prior art reference anticipates the claimed invention under 35 U.S.C. § 102 only if each and every element of a claimed invention is identically shown in that single reference.* MPEP § 2131. (Emphasis Added).

With respect to the subject application, the Examiner has not adequately supported the rejection under 35 U.S.C. § 102, because the Examiner has not shown how each and every element of the Applicant claimed invention is identically shown in *Erickson*. For example, the Examiner asserts that “*user documents*” in independent Claim 1 is somehow equivalent to a *database entry*.

(4 August 2008 Office Action, Page 3). Applicant respectfully disagrees and further respectfully requests clarification as to how the Examiner arrives at this conclusion.

Applicant respectfully point out that “it is incumbent upon the examiner to identify wherein each and every facet of the claimed invention is disclosed in the applied reference.” Ex parte Levy, 17 U.S.P.Q.2d (BNA) 1461, 1462 (Pat. & Tm. Off. Bd. Pat. App. & Int. 1990). Applicant respectfully submits that *the Office Action has failed to establish a prima facie case of anticipation in Claims 1-35 under 35 U.S.C. § 102 with respect to Erickson because Erickson fails to identically disclose each and every element of Applicant’s claimed invention, arranged as they are in Applicant’s claims.*

#### **IV. Applicant’s Claims are Patentable over Erickson**

With respect to independent Claims 11, 23, and 35 these claims contain similar limitations and are thus, considered patentably distinguishable over *Erickson* for at least the reasons discussed above in connection with independent Claim 1.

Furthermore, with respect to dependent claims 2-10, 12-22, and 24-34: Claims 2-10 depend from independent Claim 1; Claims 12-22 depend from independent Claim 11; and dependent Claims 24-34 depend from independent Claim 23 and are also considered patentably distinguishable over *Erickson*. Thus, dependent Claims 2-10, 12-22, and 24-34 are considered to be in condition for allowance for at least the reason of depending from an allowable claim.

Thus, for at least the reasons set forth herein, the Applicant respectfully submits that Claims 1-35 are not anticipated by *Erickson*. Applicant further respectfully submits that Claims 1-35 are in condition for allowance. Thus, Applicant respectfully requests that the rejection of Claims 1-35 under 35 U.S.C. § 102(e) be reconsidered and that Claims 1-35 be allowed.

**CONCLUSION:**

In view of the foregoing amendments and remarks, this application is considered to be in condition for allowance, and early reconsideration and a Notice of Allowance are earnestly solicited.

Although Applicant believes no fees are deemed to be necessary; the undersigned hereby authorizes the Commissioner to charge any additional fees which may be required, or credit any overpayments, to **Deposit Account No. 500777**. If an extension of time is necessary for allowing this Response to be timely filed, this document is to be construed as also constituting a Petition for Extension of Time Under 37 C.F.R. § 1.136(a) to the extent necessary. Any fee required for such Petition for Extension of Time should be charged to **Deposit Account No. 500777**.

**Please link this application to Customer No. 53184 so that its status may be checked via the PAIR System.**

Respectfully submitted,

2 October 2008  
Date

/Steven J. Laureanti/signed  
Steven J. Laureanti, Registration No. 50,274

BOOTH UDALL, PLC  
1155 W. Rio Salado Pkwy., Ste. 101  
Tempe AZ, 85281  
214.636.0799 (mobile)  
480.830.2700 (office)  
480.830.2717 (fax)  
steven@boothudall.com

**CUSTOMER NO. 53184**